

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1013 of 1980

MOHMEDEI CO-OPERATIVE HOUSING SOCIETY LIMITED

Versus

SHAH HIRALAL VAJECHAND

Appearance:

None present for Appellant

MR SC SHAH for MR SN SHELAT for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of Order: 25/06/98

C.A.V. ORDER

Heard the learned counsel for the respondent and perused the memo of the appeal and the office note submitted to the Court and the documents enclosed to the said note.

On elevation of the counsel who was appearing for the appellant in this case as Judge of this Court, notice was ordered to be issued to the appellant by this Court. Notice which has been sent to the appellant by this Court has been returned unserved with the remarks as under:

Trustee Haji Ashrafali Ashaali Haji has expired on 25-11-1989.

After receiving this endorsement on the notice of the appellant, the matter has been submitted to the Court by the registry for passing of the appropriate orders. From the record of the appeal, I find the death certificate of the appellant who expired on 25th November, 1989.

In view of the fact that the President of the appellant-society through whom this appeal has been filed has already expired and his heirs and legal representatives have not been brought on record by the appellant-society, this appeal abates and the same is dismissed as having abated, and is ordered to be consigned to record. Notice discharged. Interim relief,

if any, granted by this Court in this case stands
vacated. No order as to costs.

(S.K. Keshote,J)

zgs/-